



March 13, 2015

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## ENGROSSED SENATE BILL No. 26

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DIGEST OF SB 26 (Updated March 11, 2015 5:12 pm - DI 84)

**Citations Affected:** IC 5-10; IC 27-8; IC 27-13.

**Synopsis:** Coverage of prescription eye drops. Requires that, beginning January 1, 2016, certain state employee health plans, policies of accident and sickness insurance, and health maintenance organization contracts must cover refills of prescription eye drops under specified conditions. (The introduced version of this bill was prepared by the interim committee on public health, behavioral health, and human services).

**Effective:** July 1, 2015.

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### Miller Patricia, Becker

(HOUSE SPONSORS — CLERE, BROWN C, DAVISSON)

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January 6, 2015, read first time and referred to Committee on Health & Provider Services.  
January 22, 2015, amended, reported favorably — Do Pass.  
January 26, 2015, read second time, ordered engrossed. Engrossed.  
January 27, 2015, read third time, passed. Yeas 50, nays 0.

#### HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Public Health.  
March 12, 2015, reported — Do Pass.

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ES 26—LS 6068/DI 104





March 13, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED SENATE BILL No. 26

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-10-8-14.8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 14.8. (a) This section applies to an employee health  
4 plan that provides coverage for prescription eye drops.**

5 **(b) As used in this section, "covered individual" means an  
6 individual who is entitled to coverage under a state employee  
7 health plan.**

8 **(c) As used in this section, "state employee health plan" means  
9 one (1) of the following:**

10 **(1) A self-insurance program established under section 7(b) of  
11 this chapter to provide group health coverage.**

12 **(2) A contract with a prepaid health care delivery plan that is  
13 entered into or renewed under section 7(c) of this chapter.**

14 **(d) A state employee health plan must provide coverage for a  
15 refill of prescription eye drops if the following are met:**

16 **(1) For a thirty (30) day supply, the covered individual**

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requests the refill not earlier than twenty-five (25) days after the date the prescription eye drops were last dispensed to the covered individual.

(2) For a ninety (90) day supply, the covered individual requests the refill not earlier than seventy-five (75) days after the date the prescription eye drops were last dispensed to the covered individual.

(3) The prescribing practitioner has indicated on the prescription that the prescription eye drops are refillable and the refill requested by the covered individual does not exceed the refillable amount remaining on the prescription.

(e) The coverage required by subsection (d) must not be subject to dollar limits, copayments, deductibles, or coinsurance provisions that are less favorable to a covered individual than the dollar limits, copayments, deductibles, or coinsurance provisions that apply to coverage for prescription drugs generally under the state employee health plan.

(f) This section applies to a state employee health plan issued, delivered, amended, or renewed after December 31, 2015.

SECTION 2. IC 27-8-32.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

#### **Chapter 32.1. Coverage for Prescription Eye Drops**

**Sec. 1.** This chapter applies to a policy of accident and sickness insurance that provides coverage for prescription eye drops.

**Sec. 2.** As used in this chapter, "insured" means an individual who is entitled to coverage under a policy of accident and sickness insurance.

**Sec. 3.** As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1.

**Sec. 4. (a)** A policy of accident and sickness insurance must provide coverage for a refill of prescription eye drops if the following are met:

(1) For a thirty (30) day supply, the insured requests the refill not earlier than twenty-five (25) days after the date the prescription eye drops were last dispensed to the insured.

(2) For a ninety (90) day supply, the insured requests the refill not earlier than seventy-five (75) days after the date the prescription eye drops were last dispensed to the insured.

(3) The prescribing practitioner has indicated on the prescription that the prescription eye drops are refillable and the refill requested by the insured does not exceed the



1           refillable amount remaining on the prescription.

2           (b) The coverage required by subsection (a) must not be subject  
3 to dollar limits, copayments, deductibles, or coinsurance provisions  
4 that are less favorable to an insured than the dollar limits,  
5 copayments, deductibles, or coinsurance provisions that apply to  
6 coverage for prescription drugs generally under the policy of  
7 accident and sickness insurance.

8           (c) This section applies to a policy of accident and sickness  
9 insurance issued, delivered, amended, or renewed after December  
10 31, 2015.

11           SECTION 3. IC 27-13-7-20.1 IS ADDED TO THE INDIANA  
12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2015]: Sec. 20.1. (a) This section applies to an  
14 individual contract or a group contract that provides coverage for  
15 prescription eye drops.

16           (b) An individual contract or a group contract must provide  
17 coverage for a refill of prescription eye drops if the following are  
18 met:

19           (1) For a thirty (30) day supply, the enrollee requests the refill  
20 not earlier than twenty-five (25) days from the date the  
21 prescription eye drops were last dispensed to the enrollee.

22           (2) For a ninety (90) day supply, the enrollee requests the  
23 refill not earlier than seventy-five (75) days from the date the  
24 prescription eye drops were last dispensed to the enrollee.

25           (3) The prescribing practitioner has indicated on the  
26 prescription that the prescription eye drops are refillable and  
27 the refill requested by the enrollee does not exceed the  
28 refillable amount remaining on the prescription.

29           (c) The coverage required by subsection (b) must not be subject  
30 to dollar limits, copayments, deductibles, or coinsurance provisions  
31 that are less favorable to an enrollee than the dollar limits,  
32 copayments, deductibles, or coinsurance provisions that apply to  
33 coverage for prescription drugs generally under the individual  
34 contract or group contract.

35           (d) This section applies to an individual contract or a group  
36 contract issued, delivered, amended, or renewed after December  
37 31, 2015.



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 26, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 1, delete "twenty-one (21)" and insert "**twenty-five (25)**".

Page 2, line 5, delete "sixty-three (63)" and insert "**seventy-five (75)**".

Page 2, delete lines 12 through 19.

Page 2, line 20, delete "(f)" and insert "**(e)**".

Page 2, line 20, delete "subsections (d) and (e)" and insert "**subsection (d)**".

Page 2, line 26, delete "(g)" and insert "**(f)**".

Page 2, line 27, delete "June 30, 2015." and insert "**December 31, 2015.**".

Page 3, line 1, delete "twenty-one (21)" and insert "**twenty-five (25)**".

Page 3, line 4, delete "sixty-three (63)" and insert "**seventy-five (75)**".

Page 3, delete lines 10 through 17.

Page 3, line 18, delete "(c)" and insert "**(b)**".

Page 3, line 18, delete "subsections (a) and (b)" and insert "**subsection (a)**".

Page 3, line 24, delete "(d)" and insert "**(c)**".

Page 3, line 25, delete "June 30," and insert "**December 31, 2015.**".

Page 3, delete line 26.

Page 3, line 36, delete "twenty-one (21)" and insert "**twenty-five (25)**".

Page 3, line 39, delete "sixty-three (63)" and insert "**seventy-five (75)**".

Page 4, delete lines 3 through 10.

Page 4, line 11, delete "(d)" and insert "**(c)**".

Page 4, line 11, delete "subsections (b) and (c)" and insert "**subsection (b)**".

Page 4, line 17, delete "(e)" and insert "**(d)**".



Page 4, line 18, delete "June 30," and insert "**December 31, 2015.**".

Page 4, delete line 19.

and when so amended that said bill do pass.

(Reference is to SB 26 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 8, Nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 26, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 26 as printed January 23, 2015.)

CLERE

Committee Vote: Yeas 11, Nays 0

